

Memorandum

TO: Mr. Pete Gutwald, Director, Department of Planning and Zoning

FROM: Jennifer M. Smith, Geosyntec Consultants

DATE: August 17, 2007

SUBJECT: Zoning Code Update Session 2 – Meeting Summary
July 16, 2007, Second Floor Conference Room
Harford County Office Building

Attendees:

Workgroup Members Present:

Mr. Bill Vanden Eynden

Ms. Susie Comer
Col. Charles Day
Ms. Carol Deibel
Mr. Samuel Fielder, Jr.
Mr. Rowan G. Glidden
Mr. William E. Goforth
Mr. Frank Hertsch
Ms. Susan B. Heselton
Mr. Jeffrey K. Hettleman
Mr. Tim Hopkins
Mr. Douglas Howard
Mr. Gil Jones
Mr. Gregory J. Kappler
Ms. Gloria Moon
Mr. Torrence Pierce
Mr. Frank Richardson
Mr. Lawrason Sayre
Mr. Chris Swain
Mr. Jim Turner
Mr. Craig Ward
Ms. Marisa Willis
Mr. Jay Young

Workgroup Members Absent:

County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning

Mr. Tony McClune, Deputy Director, Department of Planning and Zoning

Ms. Janet Gleisner, Chief, Division of Land Use and Transportation

Ms. Theresa Raymond, Administrative Assistant, Director's Office

Facilitators:

Ms. Jennifer M Smith, Geosyntec

Mr. Steven P. Roy, Geosyntec

Mr. Craig Thompson, Geosyntec

Ms. Christy Ciarametaro, Geosyntec

Geosyntec contact information:

Geosyntec Consultants Office: (410) 381-4333

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Meeting Summary:

The second meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. The syllabus was briefly presented. The Meeting Summary from Session I was distributed for review and will be approved at Session 3. The Session 2 Meeting Summary will be provided to workgroup members for their review prior to the Session 3 meeting.

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning presented the overall document review process and meeting format. Mr. Gutwald reminded workgroup members that they are a conduit to their respective entity or organization which they represent. Mr. Gutwald also reminded workgroup members that comments should be focused on how the proposed code meets the objectives and strategies outlined in the Land Use Plan. It was stressed to the workgroup members that the draft code is a representation of the Department's perspective of how this proposed code meets those objectives and strategies. The proposed code is not a perfect document, but is a work in progress. As the sessions progress, the format of the discussions and document review process may be altered, as necessary, to maximize the use of time during each session. Mr. Gutwald briefly reviewed the proposed draft Landscaping and Buffer Yard Zoning Code.

Each workgroup member was then asked to provide their top two areas for discussion. Each discussion topic was to relate to the Landscaping and Buffer Yard Sections only, as well as to the Land Use Element Plan Implementation Strategies that refer to landscaping and buffers.

The specific implementation strategies that are referenced in the Land Use Element Plan that relate to landscaping and buffers are:

- Preserve and protect the County character and the environment by providing adequate public facilities and promoting redevelopment and revitalization by:
 - a. Reviewing and revising the Zoning Code to improve landscaping and forest conservation requirements within the Development Growth Areas.
- Provide standards to encourage revitalization and appropriate redevelopment in older, existing residential and commercial areas by:
 - a. Updating the Zoning code to enhance the aesthetics and functionality of the major roadways in the County through the establishment of appropriate standards; and
 - b. Updating the zoning code to include landscaping and screening requirements from redevelopment and revitalization.
- Promote land use patterns that support the continuation of agriculture by:
 - a. Updating the Zoning code to require buffers on all properties being developed that adjoin agriculturally zoned lands.
- Manage the County's mineral resources to provide for current and future production in harmony with their community setting by:
 - a. Reviewing existing County regulations to ensure that they adequately address buffer zones, minimize impacts to surrounding land uses and standards and procedures for expansion.

Facilitator Discussion Summary:

It was difficult to organize workgroup member discussion items into the categories of the Land Use Element Plan Implementation Strategies. It was not clear, from the items listed by the workgroup members, whether the majority of the workgroup agreed that the revised zoning code as drafted by DPZ, met the overall goals and objectives of the Land Use Element Plan. However, after reaching an informed consensus, five (5) recommendations were made by the workgroup:

1. The workgroup agreed that redevelopment projects should be more specifically addressed in the proposed Landscaping and Buffer Yard Sections of the Revised Zoning Code. The workgroup would like to see more emphasis placed on promoting redevelopment within the development envelop, perhaps with the use of landscaping and buffer yard incentives. Redevelopment should be treated differently than new

development. The County should consider the types of buffer yards in areas designated for redevelopment.

2. The workgroup discussed the requirement of a buffer between existing agriculturally zoned lands and other zoning categories. A concern was raised regarding whether this buffer was required to be landscaped for screening purposes. The majority of the workgroup members agreed that although a buffer was necessary, it was not necessary to require a landscaped type screening on this buffer. Therefore, the activities and structures allowed to occur within the buffer should be, but all references to landscaping of the buffer should be removed from the revised Zoning Code.
3. The workgroup discussed whether buffer yards should be designed to reduce noise levels. The majority of the workgroup members agreed that noise provisions are not necessary in the Landscaping and Buffer Yard sections of the Zoning Code.
4. The workgroup agreed that the Landscaping and Buffer Yards sections of the revised Zoning Code should be applicable to subdivisions that create greater than 5 residential units, so as to be consistent with the definition of a minor subdivision.
5. The majority of the workgroup agreed that the authority of the Director of Planning and Zoning is appropriately referenced in the Landscaping and Buffer Yard sections of the Zoning Code.

Additional items that were introduced by workgroup members will be discussed further at the next meeting. These include the following:

1. Landscaping Design Comments:

- a. There were a number of comments regarding processes and procedures associated with the landscaping requirements. These include creating more flexibility for the landscape architect in the design of parking lots, clustering, planting types and crime prevention standards.
- b. There was discussion regarding the street tree requirements and utilities and additional concerns associated with the requirements and standards for those including protection zones, traffic signs and easements.
- c. Several members noted some inconsistencies with specific standards outlined with types of development such as the Mixed Office and Integrated Community Shopping Centers.
- d. There was discussion regarding landscaping and the types of buffer yards in areas designed for redevelopment.

2. Buffer Yard Comments:

- a. There was discussion about the width of buffer yards and the level of detail necessary when describing types of buffer yards in the Zoning Code. Specific buffer zones for the Winters Run and Deer Creek Watershed need to be defined.

3. Comments Regarding Maintenance and Inspection:

- a. There were several comments regarding landscaping maintenance. It was determined that maintenance for landscaping will be the responsibility of the property owner. Some members proposed having maintenance agreements available for public review.
- b. Several members questioned whether the requirement for plants to be health and vigorous would be enforced. In general, consequences of not complying with the proposed code should be stipulated.
- c. There was a discussion on the timeframe assurance on bonding. It was determined to be 2 years.

4. Additional comment details are included in Attachment A of this Summary.

Administrative Issues:

The workgroup was notified that any comments regarding recommended grammar or editorial changes can be submitted to Geosyntec via email at jsmith@geosyntec.com. Additional comments that require workgroup discussion and consensus agreement must be brought up during a formal workgroup session meeting.

The meeting was adjourned at 4:15 pm.

The Harford County Zoning Code website can be accessed at:
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

Meeting Handouts:

1. Meeting Agenda
2. Draft Session I Meeting Summary – June 25, 2007

Next Scheduled Meetings:

Date:	August 13, 2007
Time:	2:00 pm - 4:00 pm
Topic:	Session III - Landscaping and Buffer Yards; Open Space
Location:	Harford County Administrative Office Building 220 South Main Street 2nd Floor Conference Room Bel Air, MD 21014

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Date: August 27, 2007
Time: 2:00 pm - 4:00 pm
Topic: Session IV – Housing Density Bonus; Signs
Location: Harford County Administrative Office Building
220 South Main Street
2nd Floor Conference Room
Bel Air, MD 21014

Attachment

Attachment A - Zoning Code Workgroup Meeting 2 Summary

I. Proposed Draft Zoning Code Update – Workgroup Discussion Comments (organized by LUEP Implementation Strategy)

- a. *Review and revise the Zoning Code to improve landscaping and forest conservation requirements within the Designated Growth Areas.*
 - “Enjoyment” of its citizens is too broad in §267-29(A)(1).
 - The authority of the Director of the Department of Planning and Zoning is appropriately designated in the Landscaping and Buffer Yard Zoning Code. An additional review and appeals process is not necessary.
 - What is the timeframe assurance on bonding? It was determined to be 2 years. §267-29(K)
 - Clarify “bond” vs. “guarantee” and define better. §267-29(K)
 - Maintenance agreements should be available for public review. §267-29(A)(6)
 - Maintenance for landscaping will be the responsibility of the property owner.
 - Who will inspect a plant to determine whether it is healthy and vigorous? Who will determine the survivability? §267-29(C)(2)
 - The requirements for parking lot perimeter landscaping must be balanced with safety issues (e.g. places for criminals to hide). Consider requiring crime prevention measures in designing parking lot landscaping. §267-29(H)(2)
 - The code contains too many landscaping constraints. §267-29(C) Requiring the same genus type for plants is too restrictive. §267-29(C)(1)(b)
 - Landscaping requirements for clustering trees should not encourage the deer population to prosper. §267-29
 - The shrub standard doesn’t meet what is typical in the field. §267-30(F)
 - Clarify “any” vegetation removed should be replaced-this includes a wide variety. What will it be replaced with? §267-29(C)(2)(a)
 - Plant List is not appropriate, specifically hemlock. §267-29 (C)(1)
 - Since mulch can kill trees if put directly up to the trunk, require mulch or mulch alternatives. §267-29(C)(2)(a)
 - “Strips of Landscaping” should be moved out of landscaping and put into buffer yards. §267-29

- b. *Update the Zoning Code to include landscaping and screening requirements for redevelopment and revitalization projects.*
 - Redevelopment projects are not adequately addressed in the proposed Landscaping and Buffer Yard Sections of the Zoning Code. Redevelopment should be treated differently than new development.
 - Redevelopment and Revitalization projects should be encouraged in the zoning code. Consider ‘sharing’ of uses within buffer yards in redevelopment zones.

- c. *Review existing County regulations to ensure that they adequately address buffer zones, minimization of impacts to surrounding land uses, and standards and procedure for expansion.*
 - Utilities will be allowed in Buffer Yards.
 - Consider crossings for gas, electric, and communication easements. §267-29(E)(3-4).
 - Include all utilities in landscaping protection zones. §267-29(E)(3-4)
 - Should other uses be allowed in buffer yards? §267-30
 - Clarify §267-29(G)(2). A 250’ x 50’ landscape buffer is too large – this is also a ‘gateway’.
 - Buffers should also reduce noise using decibel qualifications. §267-29(A)
 - Noise Provisions are not necessary in the Landscaping and Buffer Yard Zoning Code.
 - Winters Run and Deer Creek Watershed buffer zones do not have clear boundaries defined to date. §267-31
 - A 15 foot buffer is fine if people are not affected §267-30(E)
 - In §267-30(1)(a), “not be visible from abutting properties” is too difficult.
 - Consider using 3 buffer types instead of 5 in Table 30-2. §267-30(E)
 - Buffer Yards should be 100 feet for anything adjoining agricultural land §267-30(E)
 - Any buffers between agricultural lands will affect wildlife.

- d. *Update the Zoning Code to enhance the aesthetics and functionality of the major roadways in the County through the establishment of appropriate standards.*
 - “Enhance gateways into the county” is not directly addressed in the code §267-29 (A)(6)
 - Is 10 feet enough of a distances between trees and roadways? §267-29 (4)(d)
 - There is too much setback for street right of way landscaping. Clarify §267-29 referring to ‘gateways’. §267-29 (A)(6)
 - Require gateway provisions on all roads

e. *Update the Zoning Code to require buffers on all properties being developed that adjoin agriculturally zoned lands.*

- Agricultural buffers are not required to be landscaped. A visual screening buffer from residential to agricultural is a waste – generally agricultural views are a benefit. §267-30(A)
- Buffer Yards between residential and agricultural land are necessary because they limit what farmers can do with regards to spraying. §267-30 (A)
- Wellheads should be kept away from agricultural property lines.

II. Other Comments

- Specify contents of protective measures in agreement required in §267-29(D)(4)
- Ensure that the section purpose statements correspond with the Master Plan.
- The use of “should” within the code will be revisited to ensure that the statements are necessary and that “should” cannot be replaced with “shall”.
- Enforcement mechanisms or consequences of not complying with the proposed code should be stipulated.
- References to road signs should include all road signs not just “stop” signs. §267-29(G)(4)(e)
- Consider snowplows in the placement of islands and medians. §267-29(H)(3)(b)
- Mixed Use Requirements from §267-29(I)(5)(a), (c), and (d) should apply for commercial shopping centers.
- 20% set aside requirement seems high within development envelope.
- Parking Lot runoff should be contained / utilized. §267-29(H)(1)
- Need scientific criteria for new development that does not discourage economic growth.
- “Ownership” should not be used as criteria for exemptions. §267-30(C)
- Add provisions of Mixed Use A to Item §267-29(I)(6).
- Replace the phrase, “5 or more” with “more than 5” when describing requirements for minor residential subdivisions. §267-29(B)(1)(d)
- Replace “possible” with “when practical or feasible” in §267-30 (H)(1)(b).
- Remove “driveway” area from §267-29(H)(1)(a).
- Clarify §267-29(H)(2)(b) because when a driveway is next to a property line, the code could be read to require a perimeter.
- MO district – require rather than encourage bioretention, rooftop gardens, etc. §267-29(I)(3)(b) References to bioretention should be eliminated and placed elsewhere in the code. §267-29(H)(1)(g) .